



# State of Wisconsin Department of Public Instruction

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April 30, 2003

## **Before the Federal Communications Commission** Washington D.C. 20554

In the matter of:

Comments on the request for expedited	) DA 03-1186
review of E-Rate application and SPIN	)
change by the state of Tennessee	) CC Docket No. 96-45 and 97-21

### **Comments of the Wisconsin Department of Public Instruction**

The Wisconsin Department of Public Instruction (DPI) supports the State of Tennessee's request to change its Internet Service Provider for FY 2002 before the issuance of a Funding Commitment Decision Letter (FCDL).

The FCC seeks comments on whether there are unique circumstances that warrant granting a SPIN change prior to issuing an FCDL and whether permitting such a change is consistent with the public interest. While the circumstances described by the petitioner may not be unique, they are certainly unusual. However, simply because a petition is unusual is not a ground to dismiss it. Furthermore, within the limited information provided in the petition, the DPI believes that granting the petition is certainly in the public interest of the school children and educators in Tennessee.

The FCC also seeks comment on whether and how program procedures should be modified to address Tennessee's request. The DPI generally supports the suggestions in this area made by the Council of Chief State School Officers E-Rate Alliance. However, under the assumption that such requests are very infrequent, the FCC may prefer to address each request on its own merits, without a formal rule change. In this case, the DPI believes that in situations in which the applicant, the current provider and the new provider all agree to the change, and services are the same for no increase in funding discounts, then the FCC should give the petitioner some latitude to make the change. This is all predicated on the

assumption that any needed documentation or further rationale requested by the FCC is met by the petitioner to the FCC's satisfaction and any local or state procurement regulations or laws have been followed by the applicant.

Respectfully submitted April 30, 2003.

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